IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

RP.No. 155 of 2007(B)

AGAINST THE JUDGEMENT/ORDER IN WA.2111/2006 Dated 23/01/2007
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REVIEW PETITIONER/APPELLANT

SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT, KALADY REPRESENTED BY REGISTRAR.

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

RESPONDENTS: RESPONDENTS
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1. THE SOUTH INDIAN WORKERS CONGRESS
(INTUC-1), MASS HOTEL ANEX, COCHIN-682 018,
REPRESENTED BY ITS PRESIDENT.

2. K.V.ANIL MITHRA "RETHAS",
KAMALESWARAM, MANACAUD, THIRUVANANTHAPURAM.

3. K.DILEEP, `DIL BHAVAN', NEAR
VETTIKKONAM SCHOOL, MANIKANDESWARAM P.O.,
THIRUVANANTHAPURAM-13.

4. INDUSTRIAL TRIBUNAL,
ALAPPUZHA.

R1 TO R3 BY ADV. SRI.PAULSON C.VARGHESE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR &
K.M. JOSEPH, JJ.

R.P. NO. 155 OF 2007
IN
W.A. NO. 2111 OF 2006

Dated this the 15th day of February, 2007

O R D E R

Ramachandran Nair,J.

This review petition is filed by appellant in the Writ Appeal against confirming the interim order of the learned single Judge directing payment of benefits under Section 17B of the I.D. Act with effect from the date on which award came into force. Review petitioner has cited a Division Bench decision of this Court in KODUNGALLOOR TOWN CO-OP. BANK LTD. V. M.K. SURENDRA BABU, (2006) 3 KLJ 807. Counsel for the respondents on the other hand cited the decision of the Supreme Court in DENA BANK V. GHANSHYAM, (2001) 5 SCC 169. However, it is seen that in the above referred decision, the Division Bench of this Court held that the date of entitlement for Section 17B benefits is with effect from the date of filing of the affidavit claiming the benefit. This Court though referred to DENA BANK's case, followed the subsequent

decision of the Supreme Court in UTTARANCHAL FOREST DEVELOPMENT CORPORATION V. K.B. SINGH, (2005) 11 SCC 449 and held that entitlement is from the date of filing of the affidavit confirming non-employments. We do not think there is any need to go into the question as to whether the view taken by this Court is correct or not for the purpose of this Review Petition because in the judgment under review, there is suggestion for early disposal of the WPC itself and Section 17B benefit was considered as an interim measure only.

In the circumstances we dispose of the Review Petition by modifying the judgment in W.A. with direction to the appellant to pay Section 17B benefit from the date of filing of the Writ Petition till date of disposal of the same. Six weeks' time from today is granted to the appellant to make payment. Observation with regard to early hearing of the WPC in the Writ Appeal judgment will stand.

(C.N.RAMACHANDRAN NAIR)
Judge

(K.M. JOSEPH)
Judge